

MEMORANDUM OF UNDERSTANDING

Between

**DEPARTMENT OF SERVICES FOR CHILDREN,
YOUTH AND THEIR FAMILIES**



DEPARTMENT OF JUSTICE



DELAWARE POLICE DEPARTMENTS

**PROCEDURAL AGREEMENT FOR THE INVESTIGATION OF
AND COLLABORATIVE INTERVENTION ON
CHILD ABUSE/NEGLECT**

MEMORANDUM OF UNDERSTANDING

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES



DEPARTMENT OF JUSTICE



DELAWARE POLICE DEPARTMENTS

The Department of Services for Children, Youth and Their Families, the undersigned Delaware Police Departments, and the Department of Justice wish to improve the services which they provide to children and their families. We are committed to interagency cooperation in an effort to protect children, reduce intervention trauma for the child and the family, and assist the child and family during the investigation, prosecution, and treatment.

This Memorandum seeks to define and clarify the roles and expectations of each department, to set standards for interagency cooperation, and to establish guidelines for collaborative intervention, cross reporting, information sharing, training, and problem resolution.

We further agree to distribute a complete copy of the Memorandum of Understanding to our respective employees. This Memorandum of Understanding shall be effective from the date of signature of all parties.

Thomas P. Eichler
Secretary
Department of Services for Children,
Youth and Their Families

Date

M. Jane Brady
Attorney General
Department of Justice

Date

I. AUTHORITY/RESPONSIBILITIES OF DIVISION OF FAMILY SERVICES (DFS):

A. The case worker has the legal responsibility to:

1. Protect children from abuse, neglect, or dependency (31 Del. C. Section 301-397).
2. Receive all reports/complaints of known or reasonably suspected child abuse, neglect, or dependency.
 - a. Alcohol or other drug use, in and of itself, is not child abuse or neglect. The Division will only become involved in substance abuse cases when child abuse or neglect is suspected and reported.
3. Investigate all reports accepted by the Division. The Division shall contact the appropriate law enforcement agency. This contact will occur upon receipt of any report requiring an investigation, which, if true, would constitute violations against a child by those responsible for the care, custody, and control of the child. This contact will occur pursuant to any of the following provisions of Title 11 of the Delaware Code: §603, §604, §611, §612, §613, §621, §625, §626, §627, §631, §632, §633, §634, §635, §636, §645, §763, §765, §766, §767, §768, §769, §770, §771, §772, §773, §774, §775, §776, §777, §778, §779, §780, §782, §783, §783A, §791, §1100, §1101, §1102, §1106, §1107, §1108, §1109, §1110, §1111, and §1259.
4. Determine if abuse, neglect, or a condition of dependency has occurred or is likely to occur.
5. Determine who abused or neglected the child.
6. Determine to what extent the child is at risk.
7. Determine what services can best meet the needs of the child/family.

II. THE ROLE OF THE DIVISION OF FAMILY SERVICES TO RECEIVE REPORTS AND TO REPORT TO THE APPROPRIATE POLICE DEPARTMENT.

A. The Division receives reports in the following manner:

1. Telephone
 - a. In-state and regional reports:
 - 24 hours a day, 7 days a week through the established toll-free Report Line number (1-800-292-9582)
 - b. Out-of-State reports:

- 24 hours a day through the Division of Family Services New Castle County number (302-577-6550)

2. In person to:

a. County Division Offices

3. Written Report

B. Information needed when receiving reports:

- 1 That the alleged victim is a child under the age of 18.
- 2 That the alleged victim is being abused or neglected or is at risk of abuse/neglect by the child's parents, guardian, custodian, or other person responsible for his care.
- 3 The name and home address of the child AND the name of the parent, guardian, or custodian must be provided.
- 4 When and where the alleged abuse, neglect, or dependency occurred.
- 5 The reporting person's perception of the danger/risk of the situation, including whether weapons are present.
- 6 As much identifying information as the person making the report is able to provide, including:
 - a. The age of the child.
 - b. The names and ages of other children in the home and/or the family.
 - c. The nature and extent of the abuse, neglect, or dependency of the child, including any know information of possible previous abuse or neglect.
 - d. All available information, which might aid in establishing the cause and seriousness of the injury.
 - e. All information about the person or persons responsible for the abuse and/or neglect, including mental illness, pending criminal charges, use of illegal substances and/or abuse of legal substances.
 - f. Anonymous complaints are accepted, but the social worker should try to obtain the reporting person's telephone number, name, and address in case further detail is needed.

C. Information needed when receiving reports of **extra-familial** abuse:

- 1 The caseworker will assist the reporting person by determining the immediate risk to the alleged victim.

- 2 The caseworker will request that the reporting person call the Police Emergency 911 number.
- 3 The caseworker must immediately telephone 911 when the report of extrafamilial abuse indicated that a crime involving serious physical or sexual abuse has been committed. The caseworker will provide the police with the information obtained from the reporting person.
- 4 Some reports may be applicable to the Sexual Predator Act of 1996. Please refer to the 12/10/96 Memorandum of Understanding between the Department of Justice, Department of Health and Social Services, Department of Services for Children, Youth and Their Families, Department of Education, and law enforcement agencies (See Appendix A).

D. To ensure the safety of the child and the preservation of evidence, the police must be notified in accordance with the provision of this Memorandum.

- 1 In situations, which need to be reported to the police immediately in accordance with the Child Protection Act of 1997, DFS may contact the police by calling 911 or the appropriate department as listed in the appendix.
- 2 The police must be called for the following violations of Title 11 of the Delaware Code: §603, §604, §611, §612, §613, §621, §625, §625, §626, §627, §631, §632, §633, §634, §635, §636, §645, §763, §765, §766, §767, §768, §769, §770, §771, §772, §773, §774, §775, §776, §777, §778, §779, §780, §782, §783, §783A, §791, §1100, §1101, §1102, §1106, §1107, §1108, §1109, §1110, §1111, and §1259.

E. Cases of **ABUSE/NEGLECT** which must be reported to the police immediately:

- 1 If the child has died or may die as a result of suspected or substantiated abuse or neglect;
- 2 During an emergency in progress. This includes children under the age of 12 left without adult supervision;
- 3 If the injury or risk of injury is serious;
- 4 If medical/hospital personnel report that a child has been hospitalized with a life-threatening condition and abuse or neglect is suspected;
- 5 If medical/hospital personnel report that a child has been hospitalized or treated and abuse or bizarre discipline is suspected;
- 6 If any physical injury sustained by a child involved the use of a weapon or dangerous instrument;
- 7 Neglect, which may include but is not limited to malnutrition, serious medical neglect, or abandonment;
- 8 Abduction or parental abduction of any child who is in the temporary or

permanent custody of the Division.

F. Cases of **INTRA-FAMILIAL SEXUAL ABUSE** which must be reported to the police immediately:

- 1 During an emergency situation or immediate risk to the child;
- 2 If intercourse or attempted intercourse has occurred within the past 72 hours;
- 3 If any reported sexual abuse has been investigated and validated;
- 4 In any situation in which the offender may still have access to the child.

G. Cases of **ABUSE/NEGLECT** which must be reported to police as soon as possible:

- 1 All misdemeanor physical abuse or neglect cases.
- 2 All intra-familial sexual abuse cases not described in section F above.

III. DIVISION OF FAMILY SERVICES CONSULTATION AND INFORMATION SHARING WITH POLICE, DEPARTMENT OF JUSTICE AND CHILDREN'S ADVOCACY CENTER

A. Circumstances in which the DFS case worker may want to contact the police, the Department of Justice, or the Children's Advocacy Center:

- 1 To determine whether a crime has been committed;
- 2 To discuss and/or determine if a pattern of abuse, neglect, or dependency exists;
- 3 To determine if police involvement is necessary (see police or Deputy Attorney General assigned in your county);
- 4 For consultation in physical or sexual abuse or neglect cases (see criminal division Deputy Attorney General in your county);
- 5 With questions concerning civil litigation (see civil division Deputy Attorney General in your county);
- 6 If the caseworker thinks that there is a safety issue, he/she may call 911 and ask for police assistance. The 911 Centers will assign these calls as high priority;
- 7 If the caseworker thinks that there may be resistance of removal of children despite judicial approval, he/she may call 911;
- 8 If the caseworker has been denied access to the home and there is reason to believe that the child is in immediate danger, he/she may call

911;

- 9 To determine whether a case would be appropriate for an interview and medical examination at the Children's Advocacy Center.

- B. Division of Family Services should provide, to the extent possible, the following information to the police:

- The date of incident;
- The time of incident;
- The location of incident;
- The date the information was received by DFS;
- The name of victim
- The age and address of victim
- The name and address of hospital
- Any weapons in the home or involved in the incident;
- The nature of the allegations or injury;
- The identify of the alleged perpetrator;
- Any prior involvement by DFS;
- The name, address, and telephone number of the reporting person;
- The telephone numbers of all persons involved with the family (when possible)

- C. Information the Division of Family Services will provide when the police are the referral source:

1. DFS must notify the police of the outcome of an investigation within five (5) days of completion of the investigation. DFS will indicate if the report was substantiated, what maltreatment occurred and if DFS will continue to provide services.

- D. Information the Division of Family Services will provide in joint investigations with police in cases where the police are not the referral source:

1. DFS will provide to police a copy of the notification of the DFS investigation disposition for all jointly investigated cases. In most cases this will occur within 45 days.

IV. MANDATE/AUTHORITY OF LAW ENFORCEMENT:

- A. To uphold all federal and state laws and municipals and local ordinances:
- B. To report cases of suspected child abuse, neglect, and dependency (16 Del.C. §903);
- C. "A peace officer may take into custody a child he believes to be dependent, neglected, or delinquent (10 Del. C. §933).
- To follow the duties outline in 10 Del. C. §933 for notifying the child's custodian and the Division of Family Services;

- D. To respond to calls for service;
- E. To conduct criminal investigations based on departmental policies;
- F. To assess probable cause and effect an arrest where appropriate.

V. POLICE CONTACT WITH THE DFS REPORT LINE

- A. Police must call the Division immediately:
 - 1. In all cases of child deaths in which abuse or neglect is suspected (See attached Institutional Abuse policy in Appendix B);
 - 2. In all cases of suspected intra-familial sexual abuse which have been directly reported to police;
 - 3. In all cases of physical injury to a child in which abuse or neglect is suspected, including reckless injury;
 - 4. In all cases of physical injury or threat thereof to a child which occurs during a domestic violence situation;
 - 5. In all cases of abandonment or serious neglect;
 - 6. In all cases where the child's primary caretaker is under the influence of legal or illegal substance(s) and is unable to care for the child;
 - 7. In all cases where the child is a runaway or is dependant is at the police facility. The police will first advise the parents that the parents are responsible for the care of the child. The police will then notify DFS if the parents are unable to take custody of the child. The Division is to respond to these reports as urgent (2-hour response at the maximum).
 - 8. In all cases in which the child's primary caretaker dies (murder, suicide, or unexplained death) unless there is another parent or relative present or available to care for the child;
- B. Police must call the Division as soon as possible:
 - 1. In all cases of neglect which are reported directly to the police;
 - 2. In all cases in which the child is a witness to a felony-level domestic violence incident;
 - 3. In all cases in which the child is exposed to chronic misdemeanor-level domestic violence incidents which are known to law enforcement;
 - 4. In all cases in which the child is being transported by a parent or caretaker who is under the influence of alcohol or a legal or illegal substance when;

- a. Enforcement action has been taken, and
- b. Safe care for the child has been secured.

VI. APPROPRIATE CASES FOR REFERRAL TO THE CHILDREN'S ADVOCACY CENTER

- A. All cases where serious physical abuse or sexual abuse against a child has been alleged or that child has witnessed severe domestic violence should be referred to the Center for Scheduling of an interview or medical exam based upon the case needs. Participating agencies may also request an interview on unsubstantiated or suspicious cases when it is felt that the services of the Center will be of assistance.
- B. It is recognized that there will be cases, which, because of the acuteness of the act or risk to the victim, will have to be handled immediately by the responsible agencies. Those cases where the victim is at risk to be further abused by the perpetrator because he/she is still in the residence, or where the victim has been recently assaulted and there is the presence of physical evidence are cases, which may have to be handled immediately by the investigating agencies. All other cases should be scheduled through the Center. It is strongly recommended that those agencies make contact with the Child Advocacy Center to ascertain if either the Center or its medical staff is available to assist in those cases.

See Appendix C for Child Advocacy Center Procedures.

VII. COLLABORATIVE INTERVENTION

- A. In cases of Physical Abuse and Neglect
 - 1. In all cases in which a child is hospitalized and abuse/neglect is suspected, it is the caseworker's responsibility to obtain as much information as possible from the family, according to DFS Risk Management standards, even though the police have been called to conduct an investigation.
 - 2. All initial reports of serious physical abuse cases will be handled as felony investigations by the investigating police department in accordance with their department policy.
 - 3. When any department has received a report of serious physical abuse, communications between the departments should begin as quickly as possible.
 - 4. When the Children's Advocacy Center has been utilized, a Multidisciplinary Case Review is available.
 - a. The Multi-disciplinary case review is that part of the process when

all of the investigation agencies can pool their individual expertise, share facts and observations, make decisions about the case, and encourage the sharing of information and discussion regarding each agency's role with the family.

5. In all felony cases:

- a. The assigned officer will inform the DFS caseworker when an arrest has been made. Every attempt should be made to reach the caseworker directly; however, if all attempts fail, a call should be place to the DFS liaison (as described in Section X of this document) and the liaison can relay the information to the caseworker.
- b. If the police decide not to arrest and DFS is involved in the case, the assigned officer will notify the DFS caseworker. If attempts to reach the caseworker fail, a call should be placed to the DFS liaison, and the liaison can relay the information to the worker.
- c. When an arrest has been made, the assigned officer will contact the Department of Justice within 72 hours to schedule an intake. The intake shall occur within five (5) days. If possible, the assigned police officer will notify the DFS caseworker of the intake date, and the DFS caseworker may attend the intake appointment at the Department of Justice.
- d. The Department of Justice will evaluate the intake cases and assign a Victim/Witness Social Worker.
- e. The DFS caseworker is responsible for notifying the assigned officer or police liaison, if necessary, and the assigned Deputy Attorney General or Victim/Witness social worker of any changes in the family situation (living arrangements, intimidation or harassment of the victim, etc.) which are pertinent to the case.
- f. The assigned officer and the DFS caseworker will work closely with the Department of Justice during the prosecutorial process.
- g. The Department of Justice shall keep the DFS worker well informed of the case status and all major case decisions. The Department of Justice shall notify the DFS worker of the disposition of the criminal charge(s) and the specifics of any sentencing order that is rendered.

6. In all misdemeanor cases:

- a. The assigned officer will inform the DFS case worker via the DFS Report Line when an arrest has been made or warrant is issued. The information will be relayed to the worker via the DFS Report Line staff.

- b. If the police decide not to arrest and DFS is involved in the case, the assigned officer will notify the DFS caseworker via the DFS Report Line. The information will be relayed to the worker via the DFS Report Line staff.
- c. The police and DFS are encouraged to consult with the Department of Justice in cases where an arrest has been made, a warrant has been issued or if it is uncertain if probable cause exists but a crime is suspect.
- d. The DFS caseworker is responsible for notifying the assigned officer or police liaison, if necessary, and the assigned Deputy Attorney General or Victim/Witness caseworker of any changes in the family situation (living arrangements, intimidation or harassment of the victim, etc.) which are pertinent to the case.
- e. The assigned officer and the DFS caseworker will work closely with the Department of Justice during the prosecutorial process.

B. In cases of Sexual Abuse

- 1. Child Sexual Abuse is given priority status and communication between the departments and should begin as quickly as possible.
- 2. Role of the Division of Family Services:
 - a. A DFS caseworker will be assigned immediately and, based on the risk to the child and recency of occurrence; a response time will be assigned.
 - b. Upon initial disclosure by the victim and/or reporting person, the assigned DFS caseworker will notify the police of the allegation. The caseworker and police will determine whether the case would be appropriate for an interview and medical exam at the Children's Advocacy Center.
 - c. The DFS caseworker shall not confront or interview the offender regarding the allegations.
 - d. The caseworker's role is to determine whether the non-offending parent is capable of protecting the child (i.e. keeping the offender away) and whether the non-offending parent is capable of providing support for the child. If the child may be in danger, the caseworker will file for emergency custody.
 - e. Whenever possible, the DFS caseworker may attend the intake appointment at the Department of Justice. The DFS caseworker should call the rape unit paralegal in New Castle County or the assigned paralegal in Kent or Sussex county at the Department to verify the date and time.
 - f. The DFS caseworker is responsible for notifying the investigating

officer and the assigned Deputy Attorney General or Victim/Witness social worker of any changes in the family situation that are pertinent to the case, including:

- Closure of case;
- Change of living arrangement;
- Suspect's return to the home;
- Intimidation/harassment of the victim or witnesses.

3. Role of the appropriate Police Department

- a. The Police Department will immediately assign an officer to the case;
- b. The assigned officer needs to obtain sufficient information from the victim, the DFS caseworker, and others involved with the case in order to make a determination on investigative procedures. Pertinent information includes:
 - Location of incident;
 - Description of the suspect;
 - Availability of physical evidence;
 - Names of potential witnesses.
- c. Arrangements will be made for police to interview the victim and DFS caseworker. Whenever possible, the assigned officer and the caseworker will jointly participate in the in-depth interview of the child. Prior to the joint interview, the officer and the worker will establish interview guidelines, designate the lead interviewer, and determine whether the Children's Advocacy Center is the appropriate site for the interview.
- d. The assigned officer will report any pertinent information to the DFS caseworker, including any decision on the officer's part to not proceed with a criminal investigation.
- e. If the offender is arrested, the arresting officer shall request no contact with the victim or any child, as per 11 Del. C. §2108(b), as a specific condition of bail, or no contact during commitment, and/or any other conditions that may be necessary to protect the victim and any other members of the community.
 - f. When an arrest has been made, the assigned officer will contact the Department of Justice within 72 hours of the arrest to schedule an intake appointment. The intake will occur within 5 days. If possible, the officer shall inform the DFS caseworker of the date, time, and location of the intake appointment.

4. Role of the Department of Justice

- a. A Deputy Attorney General will evaluate the intake cases.

- b. A Department of Justice Victim/Witness Services Social Worker will be assigned to the case and will schedule any necessary appointments for the victim to meet with the Deputy Attorney General.
 - c. The Department of Justice shall keep the DFS caseworker informed of case status and all major case decisions, including the disposition of criminal charges and the specifics of any sentencing order that is rendered.
- 5. Role of Division of Family Services, Police Departments, Department of Justice, and the Children's Advocacy Center
 - a. After the initial interviewing process, all agencies involved will discuss how they will proceed.
 - b. The following tasks need to be accomplished:

The DFS caseworker and the officer need to decide how to proceed on both the social assessment of the family (Family Services) and the criminal investigation (law enforcement), i.e. photographs/evidence considerations, the roles of various professionals involved.

 - A safe living arrangement for the child is to be arranged by the DFS caseworker.
 - A medical examination needs to be done immediately if the offense occurred within the previous 72 hours. If beyond the 72 hours, consideration should be given to scheduling a medical evaluation and forensic interview at the Children's Advocacy Center.
 - The assigned officer will inform the Family Services case worker when an arrest has been made for felony and misdemeanor sexual offense cases.
 - c. The assigned officer and the DFS case worker will work closely with the Department of Justice during the prosecutorial process.

C. Institutional Abuse Investigations

- 1. See specific guidelines in Appendix B.

D. Suspected/Substantiated Child Abuse/Neglect Deaths

- 1. Information received by either the police or the DFS which indicates that a child has died or may die as the result of suspected or substantiated abuse and/or neglect or an unexplained and/or suspicious child death is given priority status and requires an immediate response.
- 2. Neither department should assume that the other department has been notified.

3. Upon notification that a child has died or may die as a result of suspected or substantiated abuse/neglect, the department which received the initial report should immediately inform the other department of the receipt of such notification.
4. See Collaborative Procedures outlined under Physical Abuse/Neglect in all felony cases.

VIII. SHARING OF INFORMATION

- A. The Division of Family Services, the police, and the Department of Justice agree to exchange client service information on families and children when this information is needed to assist an investigation involving a DFS client.
- B. The following policies and procedures are to be followed regarding sharing information contained in client records:
 1. A subpoena is not needed unless the information requested is protected by statute (Status of alcohol/drug treatment, STD, and HIV are protected and require a court order for release.)
 2. The requesting department should contact the other department to make arrangements for obtaining information.
 - a. If the information can be obtained verbally;
 - b. If the information can be obtained by telephone;
 - c. If a specific officer, caseworker, or Deputy Attorney General is needed;
 - d. If copies are needed, copies of which reports or records;
 - e. If copies are needed, to whom they should be mailed.
 3. Records and reports may be reviewed at the DFS office, the police department, or the Department of Justice, and duplication of any necessary material is permitted at that time.
 - a. Call in advance to ensure that the reports are available.
 4. Original records and reports are not permitted to be mailed from one office to another.
- C. Policies and Procedures regarding the Initial Crime Report

1. If the DFS caseworker is present when the police complete an Initial Crime Report and the caseworker wants a copy of the report, the caseworker should ask the officer and a copy may be provided at that time.
2. When the DFS caseworker does not have a copy of the Initial Crime Report and needs one, the caseworker shall contact the investigating officer or the Records department of the investigating agency. The investigating officer or Records department will forward a copy of the report to the caseworker as soon as possible. IF the caseworker has not received the copy within two weeks, the DFS liaison should intervene.
3. Police will provide DFS with copies of their initial reports as soon as possible for all joint investigations. In most cases, police will be able to complete their investigations and notify DFS of the disposition within 30 days.
4. The DFS caseworker shall not provide copies of, or disclose the contents of, any police reports, except to the civil division Deputy Attorney General assigned to represent DFS. The DFS social worker shall immediately refer subpoenas or any other requests for information to:
 - a. Civil division Deputy Attorney General assigned to DFS, and
 - b. Notify the criminal division Deputy Attorney General assigned to the case.

IX. TRAINING

- A. It is recognized that, in order for this Memorandum of Understanding to be effective, Training by representatives of each department is crucial. Each department is committed to providing cross-departmental training and to the provision of knowledgeable instructor in the respective fields.
- B. Police, DFS and the Department of Justice will continue their joint training and will continue to discuss some of the practical issues around joint investigation, coordination of police/case worker schedules for joint interviewing, protocols for involving the police prior to interviewing parents (particularly when children are interviewed at school).
- C. Training is to be conducted at least once a year, and can be provided as often as may be necessary.
- D. Training may include the following:
 1. Knowledge about and appreciation for other's duties and responsibilities;
 2. Recognition, identification, and referral of abused, neglected, and dependent children;
 3. Policies and procedures regarding this agreement;
 4. Delaware criminal statutes;

5. Table of organization of each department
 - a. Organizational structure and function
6. Mandatory Reporting law;
7. Prosecutorial process;
8. Division of Family Services after-hours response, policy, and procedure.
9. The role and use of the Children's Advocacy Center.

X. AGENCY LIAISONS

- A. DFS and police will appoint liaisons who will be responsible for receiving investigation results and navigating any roadblocks that are preventing or delaying collaborative efforts.
- B. DFS and police agency liaisons are listed in Appendix D.

XI. PROCEDURAL REVIEW TEAM

- A. Upon signing this agreement, an MOU Review Team will be formed to ensure the following:
 1. Case coordination;
 2. Integration of planning and service delivery;
 3. Discussion of individual cases in which problems have arisen in the implementation of this agreement;
 4. Review and improve the guidelines as set forth in this Memorandum.
 5. Consideration of the expansion of the Children's Advocacy Center model.
- B. The Review Team will be comprised of appointed representatives from:
 1. Police Departments;
 2. The Division of Family Services;
 3. The Department of Justice.

DESIGNATED PHONE NUMBERS AND INSTRUCTIONS FOR CONTACTING THE DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL

New Castle County Criminal Division – 577-8500

- For consultation on sexual abuse cases ask for a Deputy in the Rape Response Unit. If a Deputy is not available, ask for the social worker in the Rape Response Unit.
- For a consultation on physical abuse or neglect cases, ask for the Deputy supervising the Domestic Violence Unit. If that person is unavailable, ask for any other Domestic Violence Deputy or social worker.
- If the above-named personnel are not available for consultation, ask for the Director of Victim/Witness Services.

New Castle County Civil Division – 577-8400

- For consultation on civil litigation, ask for the Deputy assigned to represent the Division of Family Services.

Kent County (Civil and Criminal Divisions) – 739-4211

- For consultation on sexual/physical abuse or neglect cases, ask for the Deputy supervising the Kent County Office.
- If the supervising Deputy is not available, ask for the social worker in Victim/Witness Services.
- For consultation regarding civil litigation, ask for the Deputy assigned to represent the Division of Family Services.

Sussex County (Civil and Criminal Division) – 856-5352

- For consultation on sexual/physical abuse or neglect cases, ask for the Deputy supervising the Sussex County Office.
- If the supervising Deputy is not available, ask for the social worker in Victim/Witness Services.
- For consultation regarding the civil litigation, as for the Deputy assigned to represent the Division of Family Services.

NEW CASTLE COUNTY

The Memorandum indicated when to contact the police through 911. Whenever the Memorandum specifies contacting the “appropriate police department”, the following phone numbers are to be used:

Wilmington Department of Police – Call the officers in the Detective Division and request to speak to the Child Abuse Investigator at 571-4460 or 571-4462. If the child abuse officers are not available, then call 654-5151 to report the complaint.

New Castle County Police Department – Call the officers in the Family Services Squad at 571-7924 or 571-7615.

Delaware State Police – Call the Detective Division at Troop #2 at 323-4411/4412. To report a complaint after 4:00 p.m. or on weekends, call 911.

Newark Police Department – Call the officer in charge of Youth Services at 366-7111 to report the incident.

New Castle City Police Department – Call 322-9800.

Elsmere Police Department – Call 998-1173.

Newport Police Department – Call 995-1411.

KENT COUNTY

Camden-Wyoming Police Department – Contact 697-2881.

Capital Police Department – Contact 739-3200.

Clayton Police Department – Contact 653-8186.

Delaware State Police – Contact Troop #3 – Youth Aid Division at 697-2106.

Dover Police Department – Contact the Criminal Investigations Unit at 736-7133.

Dover Air Force Base – Contact Office of Special Investigations at 677-6924.

Felton Police Department – Contact 284-9365.

Frederica Police Department – Contact 335-5417.

Harrington Police Department – Contact 398-4495.

Milford Police Department – Contact 422-8081

Smyrna Police Department – Contact 653-9217.

SUSSEX COUNTY

The Memorandum indicated when to contact the police through 911. Whenever the Memorandum specifies contacting the “appropriate police department”, the following phone numbers are to be used:

Bethany Beach Police Department – 539-1000

Blades Police Department – 629-7329

Bethel Police Department – 875-0454

Bridgeville Police Department – 337-8302

Delaware State Police – Troop 5, Bridgeville – 856-5334
Troop 4, Georgetown – 856-850
Troop 7, Lewes – 856-5480

Delmar Police Department – (410) 896-3132

Dewey Beach Police Department – 227-1110

Ellendale Police Department – 422-3584

Fenwick Island Police Department – 539-2000

Frankford Police Department – 732-3119

Frederica Police Department – 335-5417

Georgetown Police Department – 856-6613

Greenwood Police Department – 349-4822

Laurel Police Department – 875-2244

Lewes Police Department – 875-2244

Milford Police Department – 422-8081

Millsboro Police Department – 934-8174

Milton Police Department – 684-8547

Ocean View Police Department – 539-9797

Rehoboth Police Department – 227-2577

Seaford Police Department – 629-6644

Selbyville Police Department – 436-5085

South Bethany Police Department – 539-3653

Report Line

Local and Regional: 1-800-292-9582

Out of State: (302) 577-6550

New Castle County

Elwyn Office: 321 East 11th Street
Wilmington, DE 19801
577-3824 FAX: 577-7793

University Plaza: University Plaza – Cambridge Building
263 Chapman Road
Newark, DE 19702
451-2800 FAX: 451-2821

**NCC Police
Headquarters** 3601 N. DuPont Highway
New Castle, DE 19720
577-5509 FAX: 577-5515

Kent County

Barratt Building
821 Silver Lake Boulevard
Dover, DE 19904
739-4800 FAX: 739-6236

Sussex County

Georgetown: 546 South Bedford Street
Georgetown, DE 19947
856-5450 FAX: 856-5062

Pyle: Rt. 2, P. O. Box 281-1
Frankford, DE 19945
732-9501 FAX: 732-5485

Seaford: 350 Virginia Avenue
Seaford, DE 19973
628-2024 FAX: 628-2041

Milford: 11-13 Church Avenue
Milford, DE 19963
422-1400 FAX: 422-1519

Children's Advocacy Center
duPont Hospital for Children
1600 Rockland Road
P. O. Box 269
Wilmington, DE 19899
651-4566
FAX: 651-4569

Appendix A

Sexual Predator Act and MOU



DELAWARE STATE SENATE

138TH GENERAL ASSEMBLY

SENATE BILL NO. 345

AS AMENDED BY

SENATE AMENDMENT NO.1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO UNLAWFUL SEXUAL INTERCOURSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE: WHEREAS,

illicit sexual activity between adult males and teenage girls is contributing to the high teenage pregnancy rates in Delaware and the nation; and

WHEREAS, roughly 12 percent of all babies born in this state are born by teenage girls, and

WHEREAS, from 1991-1993 there were 609 babies in Delaware by girls 16½ years old or less, and

WHEREAS, nationally, 39percent of 15-year old mothers report the fathers of their babies are 20 years old or older, and

WHEREAS, many of these adult males are repeat offenders who have fathered more than one child by different teenage mothers, yet accepted little or no responsibility for their actions of for the support of their children, and

WHEREAS, in the United States, one in every 16 girls between the ages of 15 and 19 years has a child. In Delaware, approximately one in every eight children are born to a teenage mother, and

WHEREAS, \$69 million was spent on the consequences of teen pregnancy in Delaware in 1993, and

WHEREAS, society can no longer ignore or disregard statutory rape and the consequent increase in teenage pregnancies. The laws prohibiting adults from having sexual relations with persons under the age of 16 years must be more vigorously enforced; and

WHEREAS, adult males who have sexual intercourse with minor girls must be held accountable for their conduct and must be required to accept responsibility under current law for their actions; and

WHEREAS, the State should impose more severe sanctions when the adult male is significantly older than the victim, and

WHEREAS, our state agencies and schools must recognize these cases as child abuse and make appropriate referrals to law enforcement; and

WHEREAS, it is the intent of the General Assembly to enhance the penalty for statutory rape when an adult is 10 years or older than the victim or when the victim is under the age of 14 and to make certain our current law prohibiting sexual intercourse with minor children by adults is rigorously enforced.

NOW THEREFORE;

BE IT ENACTED BY THE GENERAL ASSEMBLY:

Section 1. This Act shall be referred to as the "Sexual Predator Act of 1996."

Section 3. Amend §773, Title 11, Delaware Code, by deleting "." in subsection 2 and inserting "; or" and by inserting as new subsection (3) following:

"(3) The victim is less than 16 years of age and the person is 10 years or older and is not otherwise subject to prosecution under §775."

Section 4. Amend §775, Title 11, Delaware Code by inserting after the words "Class C. Felony" as found in the Title of said section the words "; Class B Felony" and by inserting the section after the words "Class C Felony" and before the "." the words "unless the person is guilty pursuant to subsection (3) of this section in which case Unlawful Sexual Intercourse in the third degree is a Class B Felony. Notwithstanding any provisions to the contrary, in cases where acts in violation of this section have resulted in the birth of a child who is in the custody and care of the victim or the victim's legal guardian, the court shall order that the Defendant, as a condition of any

probation imposed pursuant to a conviction under this section, timely pay any child support ordered by the Family Court for such child.”

Section 5. The Attorney General’s Office, the Department of Health and Social Services, the Department of Services to Children, Youth and Their Families, the Department of Public Instruction and law enforcement agencies statewide will establish a cooperative agreement, specifying the various roles each agency will play in making certain our laws governing unlawful sexual intercourse with minors are rigorously enforced. The Department of Public Safety, with cooperation from the above referenced agencies, shall report to the Governor and the General Assembly on enforcement efforts pursuant to this Act by June 1, 1998.

MEMORANDUM OF UNDERSTANDING FOR THE STATE OF DELAWARE

Between

**DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR
FAMILIES**

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DEPARTMENT OF PUBLIC INSTRUCTION

DEPARTMENT OF PUBLIC SAFETY

DEPARTMENT OF JUSTICE

Blades Police Department
Bridgeville Police Department
Camden-Wyoming Police Department
Capital Police Department
D.N.R.E.C. Div. Of Parks and Recreation
Delaware River and Bay Authority
Delaware State Police
Delmar Police Department
Dover Air Force Base
Dover Police Department
Elsmere Police Department
Felton Police Department
Fenwick Island Police Department
Georgetown Police Department
Greenwood Police Department

Harrington Police Department
Laurel Police Department
Lewes Police Department
Milford Police Department
Millsboro Police Department
New Castle City Police Department
New Castle County Police Department
Newark Police Department
Newport Police Department
Rehoboth Police Department
Seaford Police Department
Smyrna Police Department
South Bethany Police Department
University of Delaware
Wilmington Department of Police

**PROCEDURAL AGREEMENT FOR THE REPORTING AND INVESTIGATION OF
VIOLATIONS OF THE SEXUAL PREDATOR ACT OF 1996**

December 1996

MEMORANDUM OF UNDERSTANDING

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DEPARTMENT OF PUBLIC INSTRUCTION

DEPARTMENT OF JUSTICE

DELAWARE POLICE DEPARTMENTS

The Department of Services for Children, Youth and Their Families, the Department of Health and Social Services, the Department of Public Instruction, the Department of Justice and the undersigned Delaware Police Departments, wish to improve the services which they provide to children and their families. We are committed to interagency cooperation in an effort to protect children, reduce intervention trauma for the child and the family, and assist the child and family during the investigation, prosecution and treatment.

This memorandum seeks to define and clarify the roles and expectations of each department, to set standards for interagency cooperation and to establish guidelines for collaborative intervention, cross reporting, information sharing, training and problem resolution.

We further agree to distribute a complete copy of the Memorandum of Understanding to our respective employees. This Memorandum of Understanding shall be effective from the date of signature of all parties.

Thomas R. Carper Date
Governor

M. Jane Brady Date
Attorney General
Department of Justice

Michael C. Ferguson Date
Acting Superintendent
Department of Public Instruction

Carmen R. Nazario Date
Secretary
Department of Health and
Social Services

Karen L. Johnson Date
Secretary
Department of Public Safety

Thomas P. Eichler Date
Secretary
Department of Services for Children,
Youth and Their Families

MEMORANDUM OF UNDERSTANDING

The Sexual Predator Act of 1996, Senate Bill 346, was signed into law by Governor Thomas R. Carper on August 1, 1996. In recognition of the fact that illicit sexual activity between adult males and teenage girls is contributing to the high teenage pregnancy rates in Delaware and the nation, this legislation is intended to combat teen pregnancy by imposing more severe criminal sanctions on adult males who are significantly older than their victims and holding them financially accountable when children are born as a result of violations of this law.

This legislation and the cooperative agreement required by it are part of a multi-faceted effort to combat teenage pregnancy and reform welfare in Delaware. All too often, older men prey on young, vulnerable girls. Nationally, two-thirds of the births to teenage mothers are fathered by men 20 and older. In three recent years, over 600 babies were born in Delaware to girls under 16½ years of age. As they are encouraged to postpone sexual activity, the State has an obligation to do all it can to prevent young girls from being exploited by adults. By creating a cooperative effort among schools, social service agencies and law enforcement to target this crime, Delaware has one more weapon in the fight against teenage pregnancy.

The Sexual Predator Act of 1996 requires the Attorney General's Office, the Department of Health and Social Services, the Department of Services to Children, Youth and Their Families, the Department of Public Instruction and law enforcement agencies statewide to establish a cooperative agreement, specifying the various roles each agency will play in making certain our laws governing unlawful sexual intercourse with minors are rigorously enforced. Senate Bill 346 also requires the Department of Public Safety, with cooperation from the above referenced agencies, to report to the Governor and the General Assembly on enforcement efforts pursuant to this Act by June 1, 1998.

SPECIFIC PROVISIONS OF THE LAW

This law increases penalties for adults who have sexual relations with a minor 10 or more years younger, as well as persons who have sexual intercourse with minors under the age of 14. Specifically, the Sexual Predator Act of 1996 doubles the penalty for this class of statutory rape by elevating it from a Class C felony, with a penalty of 0-10 years, to a Class B felony, with a penalty of 2-20 years, if:

- The victim is younger than 16 years of age and the predator is 10 or more years older than the victim; or
- The victim is younger than 14 years of age and the predator is 19 years or older.

The Sexual Predator Act of 1996 also required that in the case of any conviction of a violation of this law which results in the birth of a child who is in the custody and care of the victim or the victim's legal guardians, the court shall order, as a condition of any probation imposed, that the defendant timely pay any child support ordered by Family Court.

ROLES AND RESPONSIBILITIES

I. Division of Family Services, Department of Children, Youth and Their Families

The Division of Family Services shall:

- expand its role to accept reports of sexual predators, regardless of their relationship with the victim;
- when reports are made to DFS which meet the definitions of sexual predator, regardless of whether it is intra-familial or extra-familial, immediately report the situation, along with all information collected in the intake process, to the police by the 911 system;
- participate in joint investigations with law enforcement on all intra-familial sexual predator reports received and reported to the police;
- assist in developing an education document(s) about the legislation; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

II. Department of Health and Social Services

The Department of Health and Social Services shall:

- publish, through the Bureau of Vital Statistics, a monthly report of all births to young women under 16 years of age, to be distributed to the Division of Family Services and the Division of Child Support Enforcement for informational, investigative and/or child support enforcement purposes;
- assume responsibility for the collection of child support payments from the non-custodial parent;
- provide relevant information concerning cases involving sexual predators to the Division of Family Services, however, the use of such information shall be limited to the purpose of prevention, investigation and prosecution of violations under the Sexual Predator Act of 1996;
- collaborate with other signatories to this Memorandum of Understanding to identify and target at-risk clients;
- assist in developing an education document(s) about the legislation; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

III. Department of Public Instruction

The Department of Public Instruction shall:

- assist in developing an education document(s) about the legislation;
- assist in the dissemination of information about the legislation to parents and the community;
- notify school personnel (specifically principals, counselors, nurses and those identified as liaisons to DFS) of their responsibilities for reporting under this legislation;
- work with the Division of Public Health to notify School Based Wellness Center personnel regarding their responsibility for reporting; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

IV. Law Enforcement/Department of Justice

Law Enforcement Agencies statewide and the Department of Justice will vigorously enforce the Sexual Predator Act of 1996 as follows:

- Law Enforcement Agencies shall receive reports of a sexual assault pertaining to the new sexual predator legislation. This information can be brought to their attention via several sources, such as schools, uniform personnel, relatives of alleged victims, or the 911 emergency communication system;
- In all cases, the agency conducting the investigation shall contact the Division of Family Services if they have not already been contacted and provide them with key information;
- All incidents shall be investigated by an assigned investigator and then referred to the Attorney General's Office by means of a scheduled intake for further processing and data collection;
- The Attorney General's Office will periodically provide any available data on reports on these incidents to the Division of Family Services and shall work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

V. Department of Public Safety

In addition to its law enforcement role and responsibilities, the Department of Public Safety shall:

- report to the Governor and the General Assembly on enforcement efforts pursuant to the Sexual Predator Act of 1996 by June 1, 1998, with the cooperation of the other signatories to this Memorandum of Understanding; and
- work in partnership with other signatories to this Memorandum of Understanding to ensure appropriate practice of this law.

KEY INFORMATION TO BE PROVIDED TO THE DIVISION OF FAMILY SERVICES

All sexual predator reports made to the Division of Family Services from the community and from employees of law enforcement agencies, school districts, the Department of Public Instruction, and the Department of Health and Social Services shall include the following key information:

- name, age, and home address of the child;
- name, approximate age, and home address of the predator;
- name and home address of the parent, guardian, or custodian;
- time and location of reported abuse; and
- as much of the following as is known by or available to the reporter;
- nature and extent of situation; and
- other information about the predator, such as mental illness, pending criminal charges, substance abuse.

The monthly report of the Bureau of Vital Statistics shall include such official birth information as it regularly records.

Appendix B

Institutional Abuse

INSTITUTIONAL ABUSE

1. The Institutional Abuse Investigation Unit (IAU) is the specialized unit within the Division of Family Services, Office of Children's Services, responsible for the investigation of incidents/injuries which reportedly occur in out-of-home care settings. The following are the operational definitions specific to the Institutional Abuse Investigation Unit:
 - a. **Out-of-home care setting** – Transitional living programs, residential child care facilities (group homes), foster homes, licensed child day care facilities (child care homes, child care centers), shelters, correctional and detention facilities, day treatment programs, all facilities which a reported incident involves a child(ren) in the custody of the DSCYF, and care facilities which are operated by the DFSCY. License-exempt child care facilities (preschools, schools, hospitals or church operated baby-sitting/Sunday schools) are not included and those reporters should be referred to the police.
 - b. **Institutional Abuse** – Child abuse/neglect in an out-of-home setting.
2. Responsibilities of the IAIU
 - a. To accept and screen all reported injuries and allegations of abuse/neglect which occur in out-of-home care.
 - b. To investigate all reports which meet the criteria for institutional abuse investigation.
 - c. To immediately attempt to contact the appropriate police department to report all incidents where there is suspected criminal activity.
 - d. To coordinate with the assigned detective/officer to a prompt, joint (if possible) interview with the alleged victim(s) when criminal activity is suspected.
 - e. To refrain from interviewing the alleged perpetrator in an active criminal investigation without permission from the criminal investigation, with the understanding that the safety of children in care is a top priority.
 - f. To immediately report all allegations of sexual abuse to the appropriate police department to determine what, if any, police involvement there will be.
 - g. To complete a timely investigation, regardless of any delay in a criminal investigation.
 - h. To make every effort to be available to interview victims and perpetrators with the criminal investigator.
 - i. To assist in the criminal investigation and share all information gathered with the criminal investigator.

j. To cooperate with all attempts to prosecute alleged perpetrator.

3. Responsibilities of the Appropriate Police Department

a. To immediately report the following to the Child Abuse Report Line (1-800-292-9582) whenever they are suspected to have occurred in an out-of-home care setting:

- Death of any individual
- Sexual abuse of any child
- Physical injury of any child being cared for in an out-of-home case setting

b. To report within 24 hours the following to the Child Abuse Report Line (1-800-292-9582) whenever it is suspected that they have occurred in an out-of-home care setting or have involved a child care provider:

- Drug/alcohol arrest
- Domestic violence
- DUI
- Serious traffic violations where children in care are at risk
- Disaster (flood, fire, etc.)
- Other safety issues which present potential risk to children in care

c. To attempt to arrange to conduct an initial interview with the alleged victim in conjunction with the IAIU investigator. If this is not possible, the criminal investigator will attempt to obtain information needed by the IAIU investigator.

d. To make available upon request all information deemed relevant by the IAIU investigator.

e. To maintain contact with the IAIU and share developments in the criminal investigation.

f. To inform the IAIU investigator of an impending suspect interview and attempt to gather information needed by the IAIU investigator.

- Joint interviews may be appropriate in some out-of-care investigations

4. Responsibilities of the Department of Justice

a. To notify the IAIU of all plans to pursue prosecution attempts of those cases involving out-of-home care provider.

b. To notify the IAIU of the results of prosecution attempts of those cases involving out-of-home care.

Appendix C

Children's Advocacy Center

CHILDREN'S ADVOCACY CENTER OF DELAWARE, INC.

Children's Advocacy Center
duPont Hospital for Children
1600 Rockland Road
P. O. Box 269
Wilmington, DE 19899
651-4566
FAX: 651-4569

A. MISSION

The mission of the Center is to reduce the devastating long-term effects that abuse has on children, families, and society through coordinated multidisciplinary interventions in a child focused setting.

B. SERVICES PROVIDED

The Center is designed to serve children suspected of being seriously physically abused, sexually abused or exposed to severe domestic violence. The Center provides service area, which may be accessed by any Agency responsible for the investigation of abuse to children. Services are:

- Scheduling and conducting forensic interviews of identified victims
- Providing space for interviews and providing technical and professional assistance
- Scheduling medical services in non-acute cases
- Coordinating medical follow-up services
- Scheduling cases for multidisciplinary case review

C. HOURS OF OPERATION

The Center will attempt to maintain flexible hours of operation to allow for scheduling of interviews at times convenient to clients, as well as professionals. Referrals may be called in at 651-4566. Those agencies requesting immediate services of the CAC Forensic Interviewer or the Center facility should page staff at 1-800-557-3579 or 1-800383-0541.

D. REFERRALS FOR CAC SERVICES

Referrals can be made by those agencies, which are mandated by law to investigate allegations of child abuse or neglect i.e. Police, Division of Family Services or the Attorney General's Office.

When the Center receives a request for services from anyone else, where child abuse or neglect is suspect, the Center will routinely refer that caller to the appropriate authority to report their concerns. The Center's staff will make every effort to receive sufficient information regarding suspected child abuse and also make contact with the proper agency and make the referral.

E. SCHEDULING OF THE FORENSIC INTERVIEW

When an agency investigating child abuse determines the Center's Forensic Interviewer or its facilities will be needed or it is a non-urgent case appropriated for the CAC, they will contact the Center to schedule an interview for the victim(s).

The referral agency will need to identify the emergent need of the case resulting in the Center's scheduling the interview within the following two time frames.

- Emergency interviews will be scheduled within two (2) working days, or when staff and the Center are reasonably available. The Center will give priority to urgent cases in the duPont Hospital Emergency Room when requested by any of the agencies for either assistance in conducting the interview or use of the facility.
- Routine interviews will be scheduled within ten (10) working days. It should be noted that it has been agreed upon by the major police agencies, DFS, and the Center to attempt and schedule all non-urgent interviews one week in advance so all the involved disciplines will be able to adjust their schedules and attend the interview. The referring agency should contact their counterpart agency to coordinate a convenient scheduling time for both agencies before calling the CAC, i.e. are both agencies available in the morning or afternoon?

The Administrative Assistant will need to schedule the interview time with the referring agency and any other agency representatives required to be present and a part of the "team". In order to minimize the number of multiple interviews, while assessing prosecutorial needs by the criminal justice system, the police, Division of Family Services, and Attorney General's office are strongly recommended to participate in any and all interviews.

The Children's Advocacy Center will be properly equipped to audio/video tape all interviews. If the police are present for the interview and the interview confirms this is a criminal investigation, all tapes will be turned over to the investigating officer present. DFS may request a copy of the tape from the police agency. If the police are not present, the tapes will be turned over to the Division of Family Services worker present who will then have to assess whether to keep custody of the tape or turn it over to the proper police agency. All tapes will be handled as evidence. It will be noted on the CAC case file whom the tapes were released to. No copies of the tapes will be maintained by the CAC.

F. CASES APPROPRIATE FOR THE CENTER

All cases where serious physical abuse, sexual abuse or severe domestic violence has been alleged will be referred to the Center for scheduling. Participating agencies may also request an interview on unsubstantiated or suspicious cases when it is felt the services of the Center will be of assistance.

It is recognized there will be cases, which because of the recency of the act or risk to the victim will have to be handled immediately by the responsible agencies. Those cases where the victim is at risk to be further abused by the

perpetrator because he/she is still in the residence, or where the victim has been recently assaulted and there is the presence of physical evidence are cases, which may have to be handled immediately by the investigating agencies. All other cases should be scheduled through the Center. It is strongly recommended that those agencies make contact with the CAC to ascertain if either the Center or it's medical staff are available to assist in those cases.

The Center's Forensic Interviewer will be available to work with children up to the age of eighteen. Special emphasis is being place on children twelve (12) and under and/or children with special needs. Special needs may include, but is not limited to, hearing impaired, non-English primary language (required interpreter), and physically or socially challenged children.

G. INTERVIEW

Prior to the interview, the Center's Forensic Interviewer and all other participants, the "team" of professional, will meet to review the needs of the child and strategize how to approach the interview i.e. who should take the lead in interviewing. A review of the allegations will also be discussed to enable the interviewer to focus on the appropriate allegations i.e. type of sexual act, suspect, etc. It is expected that anyone doing an interview at the Children's Advocacy Center will be well trained with a minimum of six months experience conducting sexual abuse investigations.

During the interview, the person conducting the interview may take occasional breaks to confer with the viewing professionals in the adjoining room. The audio/visual tapes will remain running during those breaks.

H. POST-INTERVIEW MEETING

A post interview meeting will be held at the conclusion of the interview. The prosecutor will lead the meeting. The purpose of the meeting is for the team to:

- Review the information gleaned during the interview and assess whether more questioning is necessary, at that time.
- Decide if another interview appears necessary. If it is determined that a follow-up interview is necessary, efforts will be made to schedule it at the Center.
- Encourage the sharing of information and discussion regarding each agency's role with the family and victim.
- Set a date for a multidisciplinary case review. The review will be scheduled as a teleconference within thirty days of the initial interview. Reminders will be sent out approximately one week prior to the case review date. It is the responsibility to the "team" members to notify the Center of any alternate telephone numbers to reach them for the conference or if the date and time are not convenient because of other commitments such as court, etc. All those present for the post interview meeting will be involved in the multidisciplinary case review.
- Upon completion of the post interview meeting, the CAC staff involved in the review will write a brief factual summary of the review for case tracking and statistical purposes.

I. MULTIDISCIPLINARY CASE REVIEW

The multidisciplinary case review is that part of the process when all of the investigative agencies can pool their individual expertise, share facts and observations, make decisions about the case and encourage the sharing of information and discussion regarding each agencies role with a family.

In addition, the multidisciplinary review:

- Provides for ongoing individual and team training
- Provides an opportunity for new agency personnel to become familiar with the other disciplines involved with abused children and their families
- Promotes formal and informal communication among all responsible agencies
- Allows each team member to retain their agency identification/authority and become familiar with the other systems involved with abused children and their families
- Helps prevent cases from “falling through the cracks” in the system and enables team members to identify gaps in resources and conflicts in service provisions
- Enables the team to understand the results of the child interview, the results of the medical examination, the results of the criminal investigation and then to discuss, plan, and monitor the progress of the investigation
- Make informed recommendations regarding continuing investigative needs and the safety of the victims
- Contribute to decisions regarding treatment needs of victims and their families, as well as identifying know available service provider
- Consider child development issues relevant to the child

J. WITNESSES/DEFENDANTS/SUSPECTS

Interviews of witnesses may be conducted at the Center using the following guidelines:

- The witness is the reporting person and accompanies the victim to the Center
- Interviewing the witness, in a expeditious manner, will assist with the victim interview
- The witness may also be a victim
- A child who is a witness to serious domestic violence or homicide
- The witness is a young child and it is determined that the forensic interview is in the child’s best interest
- Interviewing a witness does not interfere with the normal operation of the Center and the Center’s ability to assist victims

Sibling interviews may be conducted at the Center if:

- There is information that leads one to believe the sibling could also have been victimized by the perpetrator
- Information exists that suggests the sibling witnessed the abuse and is likely

- traumatized by the event
- An interview of the child at another facility would like be intimidating or otherwise uncomfortable
- The sibling is already present at the Center and opportunity exists to conduct an interview
- The age of the child indicates that a forensic interviewer should be utilized
- If an interview had already begun, and it is learned through this questioning that the victim may also be a suspect or defendant in another criminal proceeding, the forensic interviewer should continue the interview helping the child remain focused on their own victimization. At the conclusion of the interview, the team should review the information and consider any other actions necessary. The Attorney General's office should be consulted.

Delaware police agencies or DFS may be requested by agencies outside of the State of Delaware to conduct courtesy interviews. The police or DFS may choose to utilize the services of the Center to coordinate these interviews. The Attorney General's office may request to utilize the Center's facilities when interviewing witnesses. They may utilize their own qualified staff or may request assistance from the Center's interviewer.

K. MEDICAL SERVICES

The medical component of the Center is intended to address the physical health needs of the victims, as well as offer emotional support for the victim's condition and still address the evidentiary needs of the various disciplines where appropriate.

1. Acute or Urgent Cases

Acute cases of suspected abuse (i.e. occurring within the last 72 hours) require immediate medical examinations. Any child that is suspected of being physically or sexually abused within the last 72 hours should be referred to the duPont Hospital for Children Emergency Room. Any female patient who is post-menses (physically capable of becoming pregnant) and is suspected of being sexually assaulted or abused in a manner which could result in pregnancy, should be referred to the nearest Emergency Room trained to conduct such exams.

2. Non-Acute Cases

When a child is suspected of being physically or sexually abused more than 72 hours prior, the child may be scheduled for a physical through the Center. The Center will assess whether the concerns appear associated with a suspicion of abuse and whether the case has been referred to DFS or the police. The Center will make every effort to obtain the necessary protocol information i.e. victim's name, parent's name, suspect, etc. The Center will call DFS or the appropriate police agency when obtaining sufficient information to confirm the report was made. No examination will be conducted pending the intervention and recommendation of that agency.

As a general rule, the medical staff will not conduct an examination of the child until the interview has been conducted on verbal children. There may be situations where the medical needs of the child take priority over waiting for the interview. The Center Director, medical staff and the referring agency

will evaluate those situations.

The Center's medical staff will utilize its own information release form to forward copies of the report to the primary caretaker, if requested, as well as other medical providers, investigative or persons identified on the release.

APPENDIX D

Agency Liaisons

Police Department

Bethany Beach
Blades
Bridgeville
Camden-Wyoming
Capitol
Cheswold
Clayton
Dagsboro
Delaware City
Delaware River and Bay
Delaware State Police
Delmar
DNREC (Fish & Wildlife)
DNREC (Parks & Recognition)
Dewey Beach
Ellendale
Elsmere
Felton
Fenwick Island
Frederica
Georgetown
Greenwood
Harrington
Laurel
Lewes
Milford
Millsboro
Milton
New Castle City
New Castle County
Newark
Newport
Ocean View
Rehoboth Beach
Seaford
Selbyville
Smyrna
South Bethany
Wilmington

Liaison

Chief Clifford M. Graviet
Chief Paul Viehman
Chief Handley J. Orr
Detective Brian Allen
William A. Dudley
Chief George L. Bryan
Officer Terri Bloodsworth
Chief William A. Dudley
Chief Dan Tjaden
Sgt. Dean Campbell
Sgt. Douglas J. Salter
Chief Harold Saylor
Major James Graybeal
Chief Gregory L. Wilson
Lt. Gordon Elliot
Acting Chief Gary C. Allen
Sgt. Laura Giles
Officer Brian Darling
Major William Manning
Chief Ralph W. Holm
Chief William S. Topping
Chief Otas E. Cephas
Sgt. Terry Helsel
Officer Dawn Hefflefinger
Chief Ronald Gooch
Sgt. Kenny Brown
Chief Leon R. McCabe
Officer Harry Litten
Chief Scott W. Rees, III
Major Joseph Bryant
Lieutenant William Wickers
Chief Michael Capriglione
Officer Kristen H. Miller
Detective Keith Banks
Sgt. Gary Morris
Chief Ward Collins, Jr.
Sgt. Robert Wilson
Lt. Linda O'Malley
Captain Nancy Dietz

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

Kent County
New Castle County
Sussex County

Carla Benson-Green
Sue Radecki
Susan Taylor-Walls